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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	Case No.: 2:16-cr-00005-RFB
Plaintiff,	)	
	)	<b>STIPULATION TO CONTINUE</b>
vs.	)	<b>REVOCATION HEARING</b>
	)	
RICHARD SCAVONE,	)	
	)	<b>(THIRD REQUEST)</b>
Defendant.	)	
_____	)	

IT IS HEREBY STIPULATED AND AGREED, by and between BRIAN J. SMITH, counsel for RICHARD SCAVONE, Nicholas A. Trutanich, United States Attorney, and NICHOLAS D. DICKINSON, Assistant United States Attorney, that the revocation hearing currently scheduled for November 10, 2020, at the hour of 10:00 a.m., be vacated and set to a date and time convenient to this court, but in no event earlier than sixty (60) days.

This Stipulation is entered into for the following:

1. In response to the outbreak of the coronavirus disease 2019 (“COVID-19”) in the District of Nevada, the Court has issued a series of general orders changing how the Court operates to do its part in containing the spread of COVID-19. See General Orders 2020-02, 2020-03, 2020-04, 2020-05, 2020-08, 2020-09, 2020-10 (the “COVID-19 General Orders”).<sup>1</sup> In Amended General Order 2020-03, the Court continued all jury trials indefinitely. Since then, the Court has begun incrementally resuming limited in-person hearings, though the Court recognizes that emergency conditions that led the Court to authorize the use of video and telephone conferencing under the “Coronavirus Aid,

1 Relief, and Economic Security Act” (“CARES Act”) continue to exist. The Court now  
2 amends Temporary General Order 2020-03 to allow jury trials to proceed in accordance  
3 with the Court’s internal plan for resuming jury trials.

- 4 2. The pending petition involves a New York State criminal charge. Defendant Scavone’s  
5 scheduled court date in that matter is November 19, 2020. According to the Assistant  
6 District Attorney assigned to the matter, Scavone’s court date will likely be moved  
7 because of the COVID pandemic.  
8  
9 3. The parties anticipate Defendant Scavone’s state case will affect the resolution of the  
10 pending petition.  
11  
12 4. Defendant Scavone, who is not in custody, agrees to the continuance.  
13  
14 5. Brian J. Smith, counsel for Scavone is in agreement with this continuance.  
15  
16 6. Counsel for the government is in agreement with this continuance.  
17  
18 7. The additional time requested by this stipulation is made in good faith and not for  
19 purpose of delay.  
20  
21 8. Additionally, denial of this request or continuance would result in a miscarriage of  
22 justice.

23 This is the third stipulation to continue filed herein.

24 DATED this 9th day of November, 2020.

25 RESPECTFULLY SUBMITTED BY:

26 NICHOLAS A. TRUTANICH  
27 United States Attorney

28 /s/ Nicholas D. Dickinson  
NICHOLAS D. DICKINSON, ESQ.  
Assistant United States Attorney

/s/ Brian J. Smith  
BRIAN J. SMITH, ESQ.  
Attorney for SCAVONE

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**UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	
	)	Case No.: 2:16-cr-00005-RFB
Plaintiff,	)	
	)	<b>FINDINGS AND ORDER ON</b>
vs.	)	<b>STIPULATION</b>
	)	
RICHARD SCAVONE,	)	
	)	<b>(THIRD REQUEST)</b>
Defendant.	)	
_____	)	

**FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

Based upon the submitted Stipulation of the parties, and good cause appearing therefore, the Court finds that:

1. In response to the outbreak of the coronavirus disease 2019 (“COVID-19”) in the District of Nevada, the Court has issued a series of general orders changing how the Court operates to do its part in containing the spread of COVID-19. See General Orders 2020-02, 2020-03, 2020-04, 2020-05, 2020-08, 2020-09, 2020-10 (the “COVID-19 General Orders”).<sup>1</sup> In Amended General Order 2020-03, the Court continued all jury trials indefinitely. Since then, the Court has begun incrementally resuming limited in-person hearings, though the Court recognizes that emergency conditions that led the Court to authorize the use of video and telephone conferencing under the “Coronavirus Aid, Relief, and Economic Security Act” (“CARES Act”) continue to exist. The Court now amends Temporary General Order 2020-03 to allow jury trials to proceed in accordance with the Court’s internal plan for resuming jury trials.

2. The pending petition involves a New York State criminal charge. Defendant Scavone's scheduled court date in that matter is November 19, 2020. According to the Assistant District Attorney assigned to the matter, Scavone's court date will likely be moved because of the COVID pandemic.
3. The parties anticipate Defendant Scavone's state case will affect the resolution of the pending petition.
4. Defendant Scavone, who is not in custody, agrees to the continuance.
5. Brian J. Smith, counsel for Scavone is in agreement with this continuance.
6. Counsel for the government is in agreement with this continuance.

**CONCLUSIONS OF LAW**

1. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence.
2. The additional time requested by this stipulation is made in good faith and not for purpose of delay.
3. Additionally, denial of this request or continuance would result in a miscarriage of justice.

This is the third stipulation to continue filed herein.

**ORDER**

**IT IS THEREFORE ORDERED** that the revocation hearing currently scheduled for November 10, 2020, at the hour of 10:00 a.m., be vacated and continued to **January 19, 2021** at the hour of **11:00 a.m.**

DATED this 9th of November, 2020.



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RICHARD F. BOULWARE, II  
UNITED STATES DISTRICT JUDGE